

Pursuant to Ind.Appellate Rule 65(D),
this Memorandum Decision shall not
be regarded as precedent or cited
before any court except for the purpose
of establishing the defense of res
judicata, collateral estoppel, or the law
of the case.

APPELLANT PRO SE:

AMIR H. SANJARI
Andover, Massachusetts

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

DAVID A. ARTHUR
CYNTHIA B. DE NARDI
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

AMIR H. SANJARI,)	
)	
Appellant-Plaintiff,)	
)	
vs.)	No. 43A04-0611-CV-676
)	
REX L. REED,)	
)	
Appellee-Defendant.)	

APPEAL FROM THE KOSCIUSKO CIRCUIT COURT
The Honorable James R. Heuer, Special Judge
Cause No. 43C01-0601-CT-63

August 23, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Amir Sanjari appeals the trial court's dismissal of his complaint against Elkhart Superior Court Special Judge, Rex Reed. We affirm.

Issue

Sanjari raises several issues, which we consolidate and restate as whether he has established the trial court improperly dismissed his complaint.

Facts

Sanjari was involved in a custody dispute with his ex-wife. On January 23, 2006, Sanjari filed a complaint against Judge Reed, who presided over the custody case at one point. In the complaint, Sanjari made many allegations against Judge Reed based on Judge Reed's actions in the custody case. For example, Sanjari claimed, "This complaint is about fraud, deception, racketeering, egregious violations of federally protected fundamental Constitutional and civil rights, child abuse and endangerment perpetrated by the Defendant, Rex L. Reed." App. p. 9.

On March 17, 2006, Judge Reed moved to dismiss for lack of subject matter jurisdiction. Sanjari opposed the dismissal and eventually moved for summary judgment. On September 28, 2006, the trial court held a hearing on the motions. Sanjari did not appear. The trial court granted Judge Reed's motion to dismiss. Sanjari now appeals.

Analysis

In his opening brief and his reply brief, Sanjari makes disparaging and offensive assertions against Judge Reed and the Indiana legal system as a whole. For example, in his opening brief he contends, “Given the standard of education in Indiana, it may not be surprising that neither the A-G nor the trial court comprehended the complaint, or is it convenient ignorance, or simply manipulation of record and corruption amongst brethren at work?” Appellant’s Br. p. 4. In his reply brief, Sanjari asserts, “the trial court’s dismissal is egregious, based upon prejudice and favoritism (Reed being an Indiana court judge), fraudulent and results from conspiracy and fraud and is a product of a corrupt system trapped in 19th century lynch-mob mentality.” Appellant’s Reply Br. p. 2.

Not only does this rhetoric amount to poor appellate advocacy, it results in waiver of the issues raised on appeal. Sanjari’s briefs are devoid of contentions supported by cogent reasoning as required by Indiana Appellate Rule 46(A)(8).¹ As we recognized in our memorandum decision on Sanjari’s appeal of the custody determination:

“The purpose of the appellate rules, especially Ind. Appellate Rule 46, is to aid and expedite review, as well as to relieve the appellate court of the burden of searching the record and briefing the case.” Shepherd v. Truex, 819 N.E.2d 457, 463 (Ind. Ct. App. 2004). We will not consider an appellant’s

¹ Sanjari failed to file an appendix, leaving the task to the State. Although Indiana Appellate Rule 49(B) provides that the failure to include an item in an appendix shall not waive any issue or argument, Indiana Appellate Rule 49(A) requires appellants to file an appendix with the appellant’s brief. The fact that Sanjari proceeds in forma pauperis does not alleviate him from meeting his burden on appeal or from providing us with a sufficient record from which we may review his claims. To the contrary, pursuant to Indiana Appellate Rule 40(D) the effect of in forma pauperis status is relief from paying filing fees and permission to file handwritten or typed briefs. Also, we remind the parties that Indiana Appellate Rule 67 permits the recovery of costs, including the cost of preparing the appendix, by the appellee when a judgment or order is affirmed in whole.

assertion when he or she has failed to present cogent argument supported by authority and references to the record as required by the rules. Id. “If we were to address such arguments, we would be forced to abdicate our role as an impartial tribunal and would instead become an advocate for one of the parties. This, clearly, we cannot do.” Id.

Sanjari v. Gratzol, No. 20A03-0511-CV-527, slip op. at 9 (Ind. Ct. App. May 31, 2006),
trans. denied, cert. denied, 127 S. Ct. 2944.

Sanjari has simply failed to provide a basis upon which we can review his claim. If we were to address Sanjari’s assertions, we would be forced to abdicate our role as impartial tribunal and become Sanjari’s advocate. We cannot do that. Any challenge to the trial court’s dismissal of Sanjari’s complaint against Judge Reed is waived.

Conclusion

Because his arguments are waived, Sanjari has not established that the trial court improperly dismissed his complaint. We affirm.

Affirmed.

KIRSCH, J., and ROBB, J., concur.